

Register ____, _____ ____ EDUCATION AND EARLY DEV.

4 AAC 60.010 is repealed and readopted to read:

4 AAC 60.010. Requirements. (a) The educational component of all pre-elementary schools that receive direct state or federal funding is under the general supervision of the department. A person, institution, or agency operating a pre-elementary school shall comply with the educational requirements of this chapter if the school receives direct state or federal funding.

(b) In order to ensure healthful and safe conditions in public and private pre-elementary schools, a pre-elementary school must meet the requirements for criminal history checks and health and safety standards described in 4 AAC 60.035, without regard to whether the school receives direct state or federal funding. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; am __/__/____, Register __)

Authority: AS 14.07.020 [AS 14.07.020(8)] AS 14.07.060

Publisher: Delete editor's note following 4 AAC 60.010

4 AAC 60.020 is repealed and readopted to read:

4 AAC 60.020. Exemptions. The following are not pre-elementary schools under the jurisdiction of the department:

(1) a facility located on a United States Department of Defense or United States Coast Guard installation that is located on federal property, or a facility certified as a family child care provider by a branch of the United States Department of Defense or the United States Coast Guard;

(2) programs that are not primarily designed to prepare children for elementary school, including programs primarily designed to expose children to religious, artistic, single-subject immersion, or recreational content or activities. (Eff. 4/20/73,

Register ____, _____ EDUCATION AND EARLY DEV.

Register 45; am 5/20/77, Register 62; am 8/30/86, Register 99; am __/__/____, Register
__)

Authority: AS 14.07.020 [AS 14.07.020(8)] AS 14.07.060

4 AAC 60.030 is repealed:

4 AAC 60.030. Application for a certificate of approval. Repealed. (Eff.
4/20/73, Register 45; am 5/20/77, Register 62; repealed __/__/____, Register __)

4 AAC 60 is amended by adding a new section to read:

4 AAC 60.035. Background checks and health and safety standards. (a)
Except as provided in (f) of this section, in order to demonstrate healthful and safe
conditions to operate as a public or private pre-elementary school in this state, a pre-
elementary school must demonstrate to the department that the school meets or exceeds
the standards for criminal history checks and for health and safety applicable to child care
facilities under 7 AAC 57.025(a); 7 AAC 57.025(b)(1) – (3); 7 AAC 57.030(c)(4), (5),
(9) and (13); 7 AAC 57.030(e) and (f); 7 AAC 57.035; 7 AAC 57.050; 7 AAC 57.220 –
7AAC 57.240; 7 AAC 57.300(a) and (b); 7 AAC 57.310 – 7 AAC 57.400;
7 AAC 57.500(a), (b), (c) and (i); 7 AAC 57.505(d); 7 AAC 57.535(f); 7 AAC 57.540 –
7 AAC 57.550; 7 AAC 57.565; 7 AAC 57.610; 7 AAC 57.900; 7 AAC 57.940; and 7
AAC 57.990, as revised as of December 1, 2009, and adopted by reference.

(b) Before enrolling students, a pre-elementary school shall submit to the
department a completed form prescribed by the department that demonstrates that the
school has met the requirements of (a) of this section. Within 30 days of receipt of a

Register ____, _____ ____ EDUCATION AND EARLY DEV.

completed form, the department will grant or deny approval to operate a pre-elementary school, or request additional information. In order to meet the requirements of (a) of this section, a pre-elementary school must demonstrate to the department the school

(1) possesses a license to operate as a child care facility issued by the Department of Health and Social Services under AS 47.32;

(2) is approved by a governmental entity for operation of a facility that provides for care and supervision of children, if the approval process includes

(A) criminal history checks that meet or exceed the standards for criminal history checks applicable to child care facilities under 7 AAC 57.310 and 7 AAC 57.315 that are adopted by reference in (a) of this section; and

(B) health and safety standards that meet or exceed the health and safety standards applicable to child care facilities under the provisions of 7 AAC 57 that are adopted by reference in (a) of this section; or

(3) approved by the department under (c) of this section.

(c) A pre-elementary school that has not been licensed or approved by a governmental entity under (b)(1) or (2) of this section may submit evidence to the department that the school meets or exceeds the provisions of 7 AAC 57 adopted by reference in (a) of this section. A school seeking approval under this subsection must submit the evidence on a form prescribed by the department, and request an inspection. The commissioner may contract with a public or private entity to review the form and provide the inspection. The department or the department's contractor will schedule an inspection, to be completed within 90 days of receipt of the form, if the form is complete and demonstrates that the facility is a pre-elementary school. The department will

Register ____, _____ ____ EDUCATION AND EARLY DEV.

approve the pre-elementary school for operation if the form and inspection demonstrate that the school provides

(1) criminal history checks that meet or exceed the standards for criminal history checks applicable to child care facilities under 7 AAC 57.310 and 7 AAC 57.315 that are adopted by reference in (a) of this section; and

(2) health and safety standards that meet or exceed the health and safety standards applicable to child care facilities under the provisions of 7 AAC 57 adopted by reference in (a) of this section.

(d) An approval to operate a pre-elementary school granted under (b) of this section extends for the same period of time granted by the license or other governmental approval under (b)(1) or (2) of this section, unless the department determines that a shorter time period is necessary to protect the public interest. For an approval granted under (c) of this section, the initial approval is for one year, and subsequent approvals for the same school are for two years, unless the department determines that a shorter time period is necessary to protect the public interest.

(e) An entity that does not meet the requirements of (a) of this section may not operate a pre-elementary school in this state.

(f) A pre-elementary school that is in operation on January 31, 2010, and in compliance with all statutes and regulations governing operation of pre-elementary schools at that time, may remain in operation if

(1) on or before February 1, 2010, the school submits criminal history check information to the department for all persons for whom a criminal history check is required;

Register ____, _____ ____ EDUCATION AND EARLY DEV.

(2) on or before February 1, 2010, the school submits to an appropriate governmental entity an application for licensure or request for approval under (b) of this section;

(3) upon receipt of the report of the criminal history check, the school either

(A) is in compliance with the criminal history check requirements of (a) of this section; or

(B) achieves compliance within 12 hours after receipt of the report;

(4) upon receipt of the results of the health and safety investigation report from the governmental entity under (b)(2) of this section, the school

(A) is in compliance with the health and safety requirements described in (a) of this section; or

(B) takes steps, within 12 hours after receiving the report, which may include temporarily closing the school, to ensure that no immediate threats to the health and safety of the children at the school exist; and

(C) addresses any deficiencies that are not an immediate threat to the health and safety of the children at the school within 30 days;

(5) the department does not have substantial evidence that continued operation of the school would be a threat to the health and safety of the children at the school; and

(6) the school obtains a license or approval under (b) of this section before June 1, 2010. (Eff. __/__/____, Register ____)

(g) For purposes of (b)(2) and (c) of this section, terms in the provisions of 7 AAC 57 adopted by reference in (a) of this section have the meaning appropriate to their context, including, where applicable,

- (1) “child care facility” means “pre-elementary school”
- (2) “Department of Health and Social Services” or “department” means
 - (A) “governmental entity under (b)(2) of this section;” or
 - (B) “Department of Education and Early Development”;
- (3) “license” or “licensed” means
 - (A) “approval” or “approved” by a governmental entity under (b)(2) of this section” or
 - (B) “approval” or “approved by the department under (c) of this section.”

(h) In this section, “criminal history check” has the meaning given in 7 AAC 10.910(h).

Authority: AS 14.07.020 AS 14.07.060

4 AAC 60.040 is repealed and readopted to read:

4 AAC 60.040. Denial of approval; hearing. A person, institution, or agency that is denied an approval to operate a pre-elementary school under 4 AAC 60.035 may request a hearing under the procedures in 4 AAC 40 if a written appeal is received by the commissioner within 15 days of the date of denial of approval. The eligibility of the

Register ____, _____ ____ EDUCATION AND EARLY DEV.

school for a license or approval under 4 AAC 60.035(b)(1) or is not an appealable issue under this section. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; am __/__/____, Register __)

Authority: AS 14.07.020 [AS 14.07.020 (8)] AS 14.07.060

4 AAC 60.050 is repealed:

4 AAC 60.050. Duration of approval. Repealed. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; repealed __/__/____, Register __)

4 AAC 60.060 is repealed:

4 AAC 60.060. Display of certificate. Repealed. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; repealed __/__/____, Register __)

4 AAC 60.070 is repealed:

4 AAC 60.070. Certificate of approval. Repealed. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; repealed __/__/____, Register __)

4 AAC 60.080 is repealed:

4 AAC 60.080. Insurance. Repealed. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; repealed __/__/____, Register __)

Publisher: Delete editor's note following 4AAC 60.080

Register __, _____ EDUCATION AND EARLY DEV.

4 AAC 60.090 is repealed:

4 AAC 60.090. Records. Repealed. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; repealed __/__/____, Register __)

4 AAC 60.100 is repealed:

4 AAC 60.100. Physical examinations for children. Repealed. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; am 8/17/78, Register 67; am 9/24/82, Register 83; am 3/8/2002, Register 161; repealed __/__/____, Register __)

4 AAC 60.115 is repealed:

4 AAC 60.115. Staff. Repealed. (Eff. 5/20/77, Register 62; am 12/13/87; Register 104; am 9/1/2006, Register 179; repealed __/__/____, Register __)

4 AAC 60.120 is repealed:

4 AAC 60.120. Recognition of special needs. Repealed. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; repealed __/__/____, Register __)

4 AAC 60.130 is repealed:

4 AAC 60.130. Disaster plan. Repealed. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; repealed __/__/____, Register __)

4 AAC 60.140 is repealed:

Register __, _____ EDUCATION AND EARLY DEV.

4 AAC 60.140. Facility inspections. Repealed. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; repealed __/__/____, Register __)

4 AAC 60.150 is repealed:

4 AAC 60.150. Changes in major written policies, plans, programs.
Repealed. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; repealed __/__/____, Register __)

4 AAC 60.160 is repealed:

4 AAC 60.160. Nondiscrimination. Repealed. (Eff. 4/20/73, Register 45; am 5/20/77, Register 62; repealed __/__/____, Register __)

Publisher Delete editor's note following 4 AAC 60.160

4 AAC 60.170 is repealed and readopted to read:

4 AAC 60.170. Programmatic requirements for pre-elementary schools. (a)
A pre-elementary school that receives direct state or federal funding must implement the guidelines for an early learning program described in the department's publication *State of Alaska Early Learning Guidelines*, dated December 2007, and adopted by reference. The school must assess each child to determine the child's progress or status on all domain areas of development described in the guidelines.

(b) A pre-elementary school that receives direct state or federal funding shall prepare a report at the end of each school year on a form prescribed by the department. The school shall make the report available to parents and the public by August 1 of the next school year. (Eff. __/__/____, Register __)

Register __, _____ EDUCATION AND EARLY DEV.

Authority: AS 14.07.020 AS 14.07.060

4 AAC 60.175 is repealed:

4 AAC 60.175. Transportation. Repealed. (Eff. 5/20/77, Register 62; repealed ___/___/____, Register __)

4 AAC 60.180(2) is repealed:

(2) repealed _____/_____/2010.

4 AAC 60.180(4) is amended to read:

(4) "pre-elementary school" has the meaning given in AS 14.07.020(c)
[MEANS A SCHOOL FOR CHILDREN AGES THREE THROUGH FIVE YEARS
WHOSE PRIMARY FUNCTION IS EDUCATIONAL]

4 AAC 60.180 (5) is repealed:

(5) repealed ____/____/2010

4 AAC 60.180(6)is repealed:

(6) repealed _____/_____/2010

4 AAC 60.180(8) is repealed:

(8) repealed _____/_____/2010

(Eff. 4/20/73, Register 45; am 5/20/77, Register 62; am ___/___/____, Register __)

Authority: AS 14.07.020 [AS 14.07.020(8)] AS 14.07.060